



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ASHLEY MICHELE MODICA,
Plaintiff,

v.

ROBERT REYNA, *et al.*,
Defendants.

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CASE NO. 1:08-CV-871

ORDER ADOPTING AND GRANTING MOTIONS TO DISMISS

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for determination of pre-trial matters and entry of findings of fact and recommended disposition on dispositive matters. Several motions to dismiss are pending before the Court.

Judge Giblin entered a *Report and Recommendation* on the motions on August 12, 2009. He entered findings and recommended that the Court grant the defendant's motions to dismiss and dismiss the plaintiff's claims against all defendants for lack of subject matter jurisdiction.

The parties have not filed objections to the magistrate judge's report. In accordance with 28 U.S.C. § 636(b)(1), the Court reviewed the magistrate judge's findings and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted.

Accordingly, the *Report and Recommendation on Motions to Dismiss* [Clerk's doc. #10] is **ADOPTED**

by the Court. The factual findings and legal conclusions of the magistrate judge are therefore fully incorporated by the undersigned in support of this order.

The Court **ORDERS** that defendant Robert Reyna's motion to dismiss [Clerk's doc. #6], the federal defendants' motion to dismiss [Clerk's doc. #7], and the defendant Beaumont Housing Authority's motion to dismiss [Clerk's doc. #9] are **GRANTED**.

It is further **ORDERED** that the plaintiff's claims against all defendants are **DISMISSED** with prejudice for lack of subject matter jurisdiction.

The Court finally directs the Clerk of Court to close this civil action as plaintiff's claim are dismissed in their entirety.

SIGNED this the **2** day of **September, 2009**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge